

differences between the two Houses.

The following are appointed on the part of the House:

Pope, Greathouse, Roberts, Morrison, Stinson.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Request Granted.

On motion of Senator Woodward, the Senate granted the request of the House for a Free Conference Committee on H. B. No. 4.

The Chair appointed the following on the part of the Senate:

Small, Pace, Redditt, Woodward, and Poage.

Adjournment.

On motion of Senator Holbrook the Senate, at 4:10 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, January 31, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 4 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, February 1, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, January 31, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 4, A bill to be entitled "An Act to stay all sales under execution, or order of sale or under any deed of trust, mortgage or other con-

tract giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, until the first Tuesday in March, 1934; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on February 6, 1934, shall be required for such sale on the first Tuesday in March, 1934; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, January 31, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 5, A bill to be entitled "An Act amending Section 3 of Chapter 215, page 719, General Laws of Texas, 43rd Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain state supported institutions of higher learning and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain state supported institutions of higher learning; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas,
February 2, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.

Murphy.	Regan.
Neal.	Russek.
Oneal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.
Redditt.	

Absent—Excused.

Beck.	Greer.
Fellbaum.	Rawlings.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Reason for Pair.

Senator Woodward's reasons for his pair on H. B. No. 5:

"I was absent from the Senate when the vote was taken on the passage of H. B. No. 5, being the bill extending the time for the payment of automobile registration fees, having been excused on account of business for the day. I left instructions to vote against the bill unless it received as many as twenty-one votes, my reason being that unless the bill got twenty-one votes it would not be effective for ninety days and would have been entirely too late to get relief. The bill did not receive twenty-one votes—in fact, it received only eleven votes on final passage, and as my name was the last name on the roll call, it was easily determined that it had not received enough votes to make it effective and in accordance therewith, my instructions were carried out. The bill would have been a farce and without any effect whatever unless it could have become effective immediately, and as the Constitution requires twenty-one votes to make it immediately effective, there was no use whatever in passing the bill, hence my reason for having paired against the bill.

In order to have given relief to those who could not pay their car license fees by February 1st it was necessary to pass the bill with twenty-one affirmative votes so it could

become effective and a law before February 1st. Not having received the required number of votes I thought it was no use to pass a law which would have done no good whatever. It would have been like locking the gate after the horse had been stolen."

Senate Bill No. 5.

The Chair laid before the Senate, on its second reading, the following bill:

S. B. No. 5, A bill to be entitled "An Act amending Section 3 of Chapter 215, page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain state supported institutions of higher learning and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain state supported institutions of higher learning; and declaring an emergency."

Senator Poage moved that the bill be re-referred to the Finance Committee.

Senator Purl raised the point of order that the motion to re-refer the bill should be the subject of debate and not the merits of the bill.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

On motion of Senator Woodruff, the motion to re-refer the bill was tabled by the following vote:

Yeas—17.

Blackert.	Redditt.
Cousins.	Regan.
Duggan.	Russek.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Nays—9.

Collie.	Oneal.
DeBerry.	Poage.
Holbrook.	Purl.
Martin.	Sanderford.
Murphy.	

Absent.

Hopkins.

Absent—Excused.

Beck. Greer.
Fellbaum. Rawlings.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, February 2, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has adopted the Free Conference
Committee report on H. B. No. 4 by
a vote of 122 yeas and 5 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

Executive Department,
Austin, Texas, Feb. 1, 1934.
To the Texas State Senate:

I ask the advice and consent and
confirmation by the Senate in the
following appointment:

Honorable J. A. Humphries of Lub-
bock, Lubbock County, Texas, to be
a Member of the Pink Bollworm
Compensation Claim Board in place
of Honorable R. J. Murray, resigned.

Respectfully,
MIRIAM A. FERGUSON,
Governor of Texas.
Referred to Committee on Gover-
nor's Nominations.

Resolution Number Changed.

The Senate, by unanimous con-
sent, granted permission to change
the number of S. C. R. No. 5 to
S. S. R. No. 7.

Free Conference Report.

Senator Wodward sent up the fol-
lowing Free Conference report:

Committee Room,
Austin, Texas, Feb. 2, 1934.
Hon. Edgar E. Witt, President of the
Senate,

Hon. Coke R. Stevenson, Speaker of
the House of Representatives.

Sirs: We, your Free Conference
Committee, appointed to adjust the
differences between the two Houses
on H. B. No. 4, have had the same
under consideration and we recom-
mend that said bill be passed in the
form as attached hereto.

REDDITT,
SMALL,
POAGE,
WOODWARD,
On the part of the Senate.

POPE,
GREATHOUSE,
MORRISON,
ROBERTS,
STINSON,

On the part of the House.

H. B. No. 4.

A BILL**To Be Entitled**

An Act to stay all sales under exe-
cution, or order of sale or under
any deed of trust, mortgage or
other contract giving or granting
any power of sale of real property
for debt now advertised to be
made on February 6, 1934, until
the first Tuesday in March, 1934;
providing that no other or further
advertisement or notice of any
such sale than that lawfully given
for sale on February 6, 1934, shall
be required for such sale on the
first Tuesday in March, 1934;
providing the lien sought to be
foreclosed was not procured for
the purpose of securing in part or
whole any indebtedness for money
or property procured by misrepre-
sentation, fraud, defalcation or
embezzlement; providing the pe-
riod for making return on any
such execution or order of sale is
extended for such period as may
be necessary for officer to make re-
turn, but such extension shall not
extend beyond April 1, 1934, pro-
viding for sales by agreements be-
tween the record owner of the real
estate and the holder of the in-
debtedness or trustee or person
making such sale; and declaring
an emergency.

Be it enacted by the Legislature of
the State of Texas:

Section 1. That all sales under
any execution or order of sale issued
out of any Court of this State and
all sales under any deed of trust,
mortgage or other contract giving or
granting any power of sale of real
property for debt now advertised to
be made on February 6, 1934, is
hereby stayed and postponed until
the first Tuesday of March, 1934;
that no other or further advertise-
ment or notice of any such sale than
such as may have been lawfully pub-
lished or given for sale on February
6, 1934, shall be required for sale
under such execution, order of sale
or such deed of trust, mortgage or
other contract on the first Tuesday
in March, 1934. Any and all sales un-

der execution, order of sale or under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt, made prior to the first Tuesday in March, 1934, and subsequent to the effective date of this Act shall be and the same is hereby declared void. Provided that the lien sought to be foreclosed was not procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement. Provided further that if the record owner of such real estate and the holder of such indebtedness agree in writing that such sale shall be made on February 6, 1934, such sale shall be valid and binding. In all such cases the agreement shall be signed by the trustee or other person making such sale and by the record owner of such real estate and shall be acknowledged and filed for record with the trustee's deed.

Sec. 2. That the period within which return is required to be made under any such execution or order of sale shall be, and the same is hereby extended for such period as may be necessary to enable the officer making such sale to make due return thereof, but such extension shall not extend beyond the first Tuesday in April, 1934.

Sec. 3. That any and all statutes of limitations be, and the same are hereby suspended during the effective period of this Act.

Sec. 4. The importance of this legislation, together with the crowded condition of the calendar and the near approach of the end of the session create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Small moved the adoption of the report.

Senator Pace moved that the report be rejected and that the bill be re-referred to the committee for further consideration.

The motion to re-refer was lost by the following vote:

Yeas—9.

Blackert.	Cousins.
Collie.	Holbrook.

Neal.
Pace.
Patton.

Redditt.
Russek.

Nays—15.

DeBerry.
Duggan.
Hornsby.
Martin.
Moore.
Murphy.
Oneal.
Poage.

Purl.
Regan.
Sanderford.
Small.
Woodruff.
Woodul.
Woodward.

Absent.

Hopkins.
Parr.

Stone.

Absent—Excused.

Beck.
Fellbaum.

Greer.
Rawlings.

The question recurred on the motion to adopt the report, which motion carried by the following vote:

Yeas—23.

Blackert.
Collie.
Cousins.
DeBerry.
Duggan.
Hopkins.
Hornsby.
Martin.
Moore.
Neal.
Oneal.
Patton.

Poage.
Purl.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Nays—3.

Holbrook.
Murphy.

Pace.

Absent.

Parr.

Absent—Excused.

Beck.
Fellbaum.

Greer.
Rawlings.

Senate Simple Resolution No. 7.

Senator Cousins sent up the following resolution:

Whereas, The Relief Commission has seen fit to establish in Texas in different places canneries so that the surplus cattle can be canned and the beef distributed among the unemployed who are not able to provide food for themselves and families, giving work to those who need work

and food to those who need food, and giving the cattleman some relief in his hard-pressed condition; and

Whereas, This industry, if promoted further by the Federal Government, the people of this State, being the great cattle-raising State of the United States, will see the advantage of home canneries and will not only can beef, but other products that are grown in Texas;

THEREFORE, BE IT RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, That we ask that since the canneries have been built and have worked so efficiently and successfully that further appropriations be made that those canneries can be again opened and unemployed put to work during the life of other C. W. A. projects;

BE IT FURTHER RESOLVED, That a copy of this resolution be wired to the Honorable Harry L. Hopkins, Federal Surplus Relief Corporation, 1734 New York Avenue, N. W., Washington, D. C.

COUSINS,	MOORE,
REDDITT,	SMALL,
WOODUL,	COLLIE,
SANDERFORD,	DUGGAN,
PATTON,	REGAN,
ONEAL,	WOODRUFF,
PARR,	WOODWARD,
RUSSEK,	PURL.
HORNSBY,	

The resolution was adopted.

Printed Supplement.

On motion of Senator Purl, the Senate, by unanimous consent, ordered 500 copies of H. B. No. 4 printed as a supplement to the Journal.

Recess.

On motion of Senator Russek, the Senate, at 12:35 o'clock p. m., recessed until 2 o'clock p. m. today

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 5.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 5, A bill to be entitled "An Act amending Section 3 of Chap-

ter 215, page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain state supported institutions of higher learning and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain state supported institutions of higher learning; and declaring an emergency."

Senator Poage sent up the following amendment:

Amend S. B. No. 5 by adding at the end of Section 1, the following:

"Provided, however, that in no event shall such salary or remuneration exceed 75 % of the salary or remuneration paid for like or similar services during the Summer Session of 1932."

Senator Martin moved to reconsider the vote by which the motion to re-refer the bill to the Finance Committee was tabled.

Senator Woodruff moved to table the motion made by Senator Martin.

Senator Holbrook raised the point of order that the bill does not come within the Governor's call.

The Chair sustained the point of order.

Senate Simple Resolution No. 8.

Senator Sanderford sent up the following resolution:

Whereas, The defeat of the automobile license extension measure has created a new emergency in Texas especially affecting the C. W. A. workers, and

Whereas, There is an extensive demand for this type of legislation;

THEREFORE, BE IT RESOLVED, That this, the Second Called Session of the Forty-third Legislature, appeal to county judges, commissioners' courts, together with the enforcement officers of Texas to permit all C. W. A. workers with trucks to continue the operation of these vehicles during the months of February and March under the 1933 license;

BE IT FURTHER RESOLVED, That this privilege be extended to individuals and firms that need the use of their motor vehicles in the operation of their regular lines of business, and who can show evidence that they are at this time unable to secure the funds with which to purchase their 1934 registration license.

Senator Holbrook raised the point of order that a law cannot be changed by a resolution.

The Chair overruled the point of order.

Senator Martin asked unanimous consent that the resolution be considered at this time without reference to a committee. There being no objection the request was granted.

Senator Holbrook moved to refer the resolution to a committee.

The motion was adopted.

Resolution Referred.

S. S. R. No. 8, referred to Committee on State Highways and Motor Traffic.

Adjournment.

On motion of Senator Cousins, the Senate, at 3:20 o'clock p. m., adjourned until Monday morning at 10 o'clock a. m.

Senator DeBerry was recorded as voting "no" on the adjournment resolution.

APPENDIX.

Petitions and Memorials.

Senator Neal moved that the following communication be read and printed in the Journal. The motion was adopted.

City of Longview,
Longview, Texas.

February 1, 1934.

Senator Margie E. Neal,
Capitol Station,
Austin, Texas.

Dear Miss Neal: I have read with pleasure the action that the Senate took upon the matter of extension of payments for auto licenses.

I think that the Senate displayed rare judgment and moral courage to act as they did. They truly exhibited the qualities that are needed of statesmen in these trying times to do the thing that they think is right in the face of the flag-waving dabbling politicians.

As a public servant who tries to do the things for the whole public welfare, I congratulate you and the Senate for their stand.

Respectfully,

JAMES R. CURTIS,

J.R.C./sp

City Judge.

Printed Supplement.

By Pope.

H. B. No. 4.

A BILL

To Be Entitled

An Act to stay all sales under execution, or order of sale or under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, until the first Tuesday in March, 1934; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on February 6, 1934, shall be required for such sale on the first Tuesday in March, 1934; providing the lien sought to be foreclosed was not procured for the whole any indebtedness for money purpose of securing in part or or property procured by misrepresentation, fraud, defalcation or embezzlement; providing the period for making return on any such execution or order of sale is extended for such period as may be necessary for officer to make return, but such extension shall not extend beyond April 1, 1934, providing for sales by agreements between the record owner of the real estate and the holder of the indebtedness or trustee or person making such sale; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all sales under any execution or order of sale issued out of any Court of this State and all sales under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, is hereby stayed and postponed until the first Tuesday of March, 1934; that no other or further advertisement or notice of any such sale than such as may have been lawfully published or given for sale on February 6, 1934, shall be required for sale under such execution, order of sale or such deed of trust, mortgage or other contract on the first Tuesday in March, 1934. Any and all sales under execution, order of sale or under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt, made prior to the first Tuesday

in March, 1934, and subsequent to the effective date of this Act shall be and the same is hereby declared void. Provided that the lien sought to be foreclosed was not procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement. Provided further that if the record owner of such real estate and the holder of such indebtedness agree in writing that such sale shall be made on February 6, 1934, such sale shall be valid and binding. In all such cases the agreement shall be signed by the trustee or other person making such sale and by the record owner of such real estate and shall be acknowledged and filed for record with the trustee's deed.

Sec. 2. That the period within which return is required to be made under any such execution or order of sale shall be, and the same is hereby extended for such period as may be necessary to enable the officer making such sale to make due return thereof, but such extension shall not extend beyond the first Tuesday in April, 1934.

Sec. 3. That any and all statutes of limitations be, and the same are hereby suspended during the effective period of this Act.

Sec. 4. The importance of this legislation, together with the crowded condition of the calendar and the near approach of the end of the session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
February 5, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackerr.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.	Woodruff.
Greer.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Senator Excused.

On motion of Senator Patton, Senator Grady Woodruff was excused for the day to attend the funeral of an ex-member of the Texas Senate.

Oath of Office.

Senator Frank H. Rawlings, having been duly nominated and elected by the members of the Senate as President Pro Tem. for the Second Called Session of the Forty-third Legislature, was escorted to the platform where the Chair, Lieutenant Governor Edgar E. Witt, administered the oath of office.

The Chair then introduced President Pro Tem. Frank H. Rawlings, who briefly addressed the Senate and took the Chair.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution.

H. C. R. No. 10, Commending the